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EXAMINER

CHERRY, STEPHEN J

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/879,164

Applicant(s)

KUZUNUKI ET AL.

Examiner

Stephen J. Cherry

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4-1-2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 10 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-6, 12, 14-15, 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,169,902 to Kawamoto.

The claims recite, as disclosed by Kawamoto ('902):

1. An information delivery system including a plurality of information terminal devices ('902, 10) and a server apparatus ('902, 13) connected to respective ones of said information terminal devices for providing information as required from each information terminal device, wherein each of said plurality of information terminal devices comprises:

position detection means for detecting a position of itself ('902, 20);

terminal side communication means for transmitting information indicative of said position thus detected toward said server apparatus while receiving information as sent from said server apparatus ('902, 38);

operation instruction receipt means for receiving and accepting from a user an operation instruction for instruction of the content of a service required and for permitting transmission of the operation instruction toward said server apparatus through said terminal side communication means ('902, 36); and

output means for outputting the information as sent from said server apparatus in a way corresponding to said service required ('902, 35, and fig. 12), and wherein said server apparatus comprises:

server side communication means for receiving information indicative of a position being sent from said each information terminal device and for transferring information as generated by utilization of the position information toward more than one information terminal device ('902, 12-1 to 12-4); and

processor means for generating information to be sent to said information terminal device by utilizing the position information as sent from said information terminal device ('902, 41), wherein said information terminal device is operable to detect the position of said information terminal device at a predefined timing for transmission of information indicative of the detected position toward said server apparatus ('902, fig. 6, "S6"), and said server apparatus further comprises position information storage means for storing therein position information as sent from said plurality of information terminal devices in units of users of the information terminal devices ('902, 48, and '902, col. 5, line 45).

2. The information delivery system as recited in claim 1, wherein said information terminal device sends forth the information as to the position of said information terminal device toward said server apparatus when corresponding to at least one of a case where a specified length of time has elapsed since its previous position information transmission event ('902, col. 5, line 22) and a case where the position has changed by a degree greater than a predefined threshold value.

3. The information delivery system as recited in claim 1, wherein said server apparatus further comprises group information storage means for storing therein information used to specify a group to which said user

belongs on a per-user basis ('902, col. 5, line 35), and the processor means of said server apparatus comprises position service means for generating, when the operation instruction being sent from said information terminal device requires a group display service, image information adapted to be used for displaying on the same land map image screen a combination of a user position as indicated by the position information from said information terminal device and a position as sent from the information terminal device of another user who belongs to the same group as said user and for permitting the image information thus generated to be transmitted from said server side communication means to said information terminal device ('902, fig. 12).

5. The information delivery system as recited in claim 1, wherein said server apparatus further comprises personal information storage means for storing therein information as to each user with respect to predefined classification items ('902, fig. 11 depicts stored name, and facial image, phone number), the position information storage means of said server apparatus stores a history of position in units of respective users ('902, col. 5, line 22), and the processor means of said server apparatus comprises distribution service means for extracting a user as classified based on one of said classification items when an operation instruction as sent from said information terminal device calls for a distribution service,

for using the history of the position of such extracted user to generate information indicative of a distribution of user positions classified, and for permitting the generated information to be sent from said server side communication means toward said information terminal device ('902, fig. 12).

6. The information delivery system as recited in claim 5, wherein said classification items include at least one of a participative event, land area, age, male/female identification, time zone, date ('902, fig. 11), and month.

12. An information terminal device for receipt of provision of more than one information service while being connected to a server apparatus operatively associated therewith, said information terminal device comprising: position detection means for detecting a position of itself ('902, 20); terminal side communication means for sending information indicative of said position thus detected toward said server apparatus and for receiving information as sent from said server apparatus ('902, 38); and said position detection means being operable to detect a position once at a time whenever a specified time has elapsed from its previous position information transmission event and then send forth information concerning such newly detected position toward said server apparatus through said terminal side communication means ('902, col. 5, line 22).

14. A server apparatus connected to a plurality of information terminal devices for providing information as required from each information terminal device, said information terminal device comprising: server side communication means for receiving information indicative of a position as sent from said each information terminal device and for sending information generated by utilizing the position information toward more than one information terminal device ('902, 12-1 to 12-4); processor means for utilizing the position information as sent from said information terminal device to generate information to be sent to said information terminal device ('902, 41); and position information storage means for storing therein position information as sent from said each information terminal device and a history thereof in units of users of said information terminal devices (('902, 48, and col. 5, line 45, and col. 5, line 22), wherein each of said information terminal devices is operable to detect the position of each of said terminal device at a predefined timing for transmission of information indicative of the detected position toward said server apparatus ('902, fig. 6, S6).

15. An information service providing method for use in an information delivery system comprising a plurality of information terminal devices and a server apparatus connected to each of said plurality of information



terminal devices for providing information as required from each information terminal device, said method comprising the steps of:

operating each of said plurality of information terminal devices to detect its own position of each of said plurality of terminal devices at a predefined timing for transmission of information indicative of the detected position toward said server apparatus ('902, fig. 6, S6); causing each of said plurality of information terminal devices to send toward said server apparatus both information indicative of its own position ('902, col. 4, line 51) and information for specifying a group to which users of the information terminal devices belong ('902, col. 5, line 45); permitting said server apparatus to generate from the position information as sent from said plurality of information terminal devices and the information for specifying said group certain image information for synthesis and display of a position of each user belonging to the same group on the same land map and then send forth such generated image information toward a request-issued information terminal device ('902, fig. 12).

19. An information service providing method for use in an information delivery system comprising a plurality of information terminal devices and a server apparatus connected to each of said plurality of information terminal devices for providing information as required from each

information terminal device, said method comprising the steps of:

operating each of said plurality of information terminal devices to detect its own position of each of said plurality of terminal devices at a predefined timing for transmission of information indicative of the detected position toward said server apparatus ('902, fig. 6, S6);

causing each of said plurality of information terminal devices to send to said server apparatus both information indicative of its own position and information as required to be stored at said server apparatus ("902, fig. 6, password, identifying user, and position are sent); and permitting said server apparatus to store on a per-user basis said position information as sent thereto and said information required to be stored and then transmit, upon issuance of a request from said information terminal device, the presently stored information to an original request-issued information terminal device in a way corresponding to the information terminal device's user ('902, figs. 10-12, position and user name are displayed)

20. An information service method using a plurality of information terminal devices and a server apparatus connected to a respective one of said plurality of information terminal devices for receiving information from each information terminal device, said method comprising the steps of:

operating each of said plurality of information terminal devices to detect its own position of each of said plurality of terminal devices at a predefined

timing for transmission of information indicative of the detected position toward said server apparatus ('902, fig. 6, S6); causing said each information terminal device to detect its own position ("902, col. 4, line 10) and send information indicative of such detected position to said server apparatus ('902, fig. 6, "S6"); and letting said server apparatus generate information indicating a distribution of users from the position information being sent from each of said plurality of information terminal devices ('902, fig. 12).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-8 and 11, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,169,902 to Kawamoto in view of U.S. Patent 5,732,383 to Foladare et al.

The claim recites, as disclosed by Kawamoto:

An information delivery system including a plurality of information terminal devices ('902, 10) and a server apparatus ('902, 13) connected to respective ones of said information terminal devices for providing information as required from each information terminal device, wherein each of said plurality of information terminal devices comprises:

- position detection means for detecting a position of itself ('902, 20);
- terminal side communication means for transmitting information indicative of said position thus detected toward said server apparatus while receiving information as sent from said server apparatus ('902, 38);
- operation instruction receipt means for receiving and accepting from a user an operation instruction for instruction of the content of a service required and for permitting transmission of the operation instruction toward said server apparatus through said terminal side communication means ('902, 36); and
- output means for outputting the information as sent from said server apparatus in a way corresponding to said service required ('902, 35, and fig. 12), and wherein said server apparatus comprises:

- server side communication means for receiving information indicative of a position being sent from said each information terminal device and for transferring information as generated by utilization of the position information toward more than one information terminal device ('902, 12-1 to 12-4); and

processor means for generating information to be sent to said information terminal device by utilizing the position information as sent from said information terminal device ('902, 41), wherein said information terminal device is operable to detect the position of said information terminal device at a predefined timing for transmission of information indicative of the detected position toward said server apparatus ('902, fig. 6, "S6"), and said server apparatus further comprises position information storage means for storing therein position information as sent from said plurality of information terminal devices in units of users of the information terminal devices ('902, 48, and '902, col. 5, line 45).

personal information storage means for storing therein information as to each user with respect to predefined classification items ('902, fig. 11 depicts stored name, and facial image, phone number), the position information storage means of said server apparatus stores a history of position in units of respective users ('902, col. 5, line 22), and the processor means of said server apparatus comprises distribution service means for extracting a user as classified based on one of said classification items when an operation instruction as sent from said information terminal device calls for a distribution service, for using the history of the position of such extracted user to generate information indicative of a distribution of user positions classified, and for permitting

the generated information to be sent from said server side communication means toward said information terminal device ('902, fig. 12).

Kawamoto does not explicitly disclose congestion information.

The claims further recites, as disclosed by Foladare:

the distribution service means of the processor means of said server apparatus generates, when the operation instruction being sent from said information terminal device requests a congestion degree display service ('383, col. 6, line 7), information indicative of a degree of per-facility congestion from a presently verified number of users in units of a plurality of location-preregistered facilities, said users being in the same land area as the facility position or alternatively being positioned in a region within a range of a predetermined distance, and transmits multi-value information indicating the degree of congestion thus calculated with respect to each of said plurality of facilities toward said information terminal device ('383, figs. 4-5, including "406", "407", "506", and "507").

means for searching, when the operation instruction being sent from said information terminal device requests a route search service, a recommended route leading to a given destination location, for generating image information for letting the recommended route be displayed on a land map ('383, col. 7, line 60), and for permitting transmission of the generated image information from said server side communication means

to said information terminal device, said distribution service means calculates an index number indicative of a degree of at least one of congestion and popularity with respect to each of a plurality of preregistered facilities ('383, col. 7, line 34), and said route search service means searches for more than one recommended route while letting the index number thus calculated by said distribution service means be included as one of search conditions ('383, col. 7, line 23 to col. 8, line 32).

the position information storage means of said server apparatus stores a history of positions of said plurality of users, and the distribution service means of the processor means of said server apparatus is operable, when the operation instruction being sent from said information terminal device requests a popularity degree display service ('383, col.6, line 7), to calculate from the history of the positions of said plurality of users multi-value information indicative of a degree of popularity in units of multiple location-preregistered facilities ('383, col. 6, line 52) and then send to said information terminal device the multi-value information indicating the degree of popularity thus calculated with respect to each of said plurality of facilities ('383, fig. 4-5).

Thus, it would have been obvious to one of ordinary skill in the art to combine the invention of Kawamoto with a congestion monitor, as disclosed by Foladare, to allow a user to be alerted to congested areas to provide an alternate route ('383, col. 2, line 62 to col. 3, line 6).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,169,902 to Kawamoto in view of U.S. Patent 6,006,158 to Piley et al.

The claim recites, as disclosed by Kawamoto:

An information delivery system including a plurality of information terminal devices ('902, 10) and a server apparatus ('902, 13) connected to respective ones of said information terminal devices for providing information as required from each information terminal device, wherein each of said plurality of information terminal devices comprises:  
position detection means for detecting a position of itself ('902, 20);  
terminal side communication means for transmitting information indicative of said position thus detected toward said server apparatus while receiving information as sent from said server apparatus ('902, 38);  
operation instruction receipt means for receiving and accepting from a user an operation instruction for instruction of the content of a service required and for permitting transmission of the operation instruction toward



said server apparatus through said terminal side communication means ('902, 36); and

output means for outputting the information as sent from said server apparatus in a way corresponding to said service required ('902, 35, and fig. 12), and wherein said server apparatus comprises:

server side communication means for receiving information indicative of a position being sent from said each information terminal device and for transferring information as generated by utilization of the position information toward more than one information terminal device ('902, 12-1 to 12-4); and

processor means for generating information to be sent to said information terminal device by utilizing the position information as sent from said information terminal device ('902, 41), wherein said information terminal device is operable to detect the position of said information terminal device at a predefined timing for transmission of information indicative of the detected position toward said server apparatus ('902, fig. 6, "S6"), and said server apparatus further comprises position information storage means for storing therein position information as sent from said plurality of information terminal devices in units of users of the information terminal devices ('902, 48, and '902, col. 5, line 45).

the position information storage means of said server apparatus stores a history of the position of each user ('902, col. 5, line 22).

However, Kawamoto does not explicitly disclose displaying the stored history information.

The claim further recites, as disclosed by Piley:

the processor means of said server apparatus comprises history service means for generating, when the operation instruction being sent from said information terminal device requires a history service, information indicative of a history of position of the user of the information terminal device which has sent the operation instruction thereto and for permitting transmission of the generated information from said server side communication means to said information terminal device ('158, figs. 1 and 8, depicting travel path "30").

Thus, it would have been obvious to one of ordinary skill in the art to combine the invention of Kawamoto with position history display of Piley to allow position history implementation with lower financial investment as compared to prior art systems ('158, col. 2, line 35).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,169,902 to Kawamoto in view of U.S. Patent 5,343,512 to Wang et al.

The claim recites, as disclosed by Kawamoto:

position detection means for detecting a position of itself ('902, 20);  
terminal side communication means for sending information indicative of

said position thus detected toward said server apparatus and for receiving information as sent from said server apparatus ('902, 38);

Kawamoto does not explicitly disclose threshold values of detected positions.

The claims further recites, as disclosed by Wang:

said position detection means transmitting, when the newly detected position changes to be greater than a predefined threshold value, information concerning the newly detected position by adding the group information ('512, col. 10, line 23, "ID") toward said server apparatus via said terminal side communication means ('512, figure 10, 1006, 1008).

Thus, it would have been obvious to one of ordinary skill in the art to combine the invention of Kawamoto with updated positions when exceeding a threshold value to conserve network resources ('512, col. 2, line 17).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,169,902 to Kawamoto in view of U.S. Patent 6,125,278 to Wieczorek et al.

The claim recites, as disclosed by Kawamoto:

An information service providing method for use in an information delivery system comprising a plurality of information terminal devices and a server apparatus connected to each of said plurality of information terminal

devices ('902, fig. 1, 10) for providing information as required from each information terminal device, said method comprising the steps of:  
causing each of said plurality of information terminal devices to send to said server apparatus both information indicative of its own position and information indicating the content of a service required ('902, fig. 6, "S6", and fig. 7, "S12" and "S15");  
permitting said server apparatus to generate information to be provided in reply to a request from said each information terminal device and send such generated provision information to a request-issued information terminal device presenting ('902, fig. 12);

Kawamoto does not explicitly disclose billing methods.

The claim further recites, as disclosed by Wieczorek:

and letting said server apparatus determine an amount of money charged on a user in accordance with the content of said sent provision information while storing a history of information indicative of the amount of charged money thus determined and that of said position information as sent thereto on a per-user basis ('057, fig. 6, and col. 13, line 37).

Thus, it would have been obvious to one of ordinary skill in the art to combine the invention of Kawamoto with the billing system of Wieczorek, to allow enhanced fraud protection ('057, col. 13, line 38).

***Allowable Subject Matter***

Claims 4 and 10 are allowed.

### ***Response to Arguments***

Applicant's arguments regarding the 35 U.S.C. 102 rejections of claims 1-3, 5, 6, 12, 14-15, 19, and 20 filed 4-1-2004 have been fully considered but they are not persuasive. Applicant states that Kawamoto fails to disclose detection at a predefined timing. Kawamoto figure 6 explicitly discloses a timing diagram disclosing the transfer of position data in response to an S4 signal. It appears that applicant is describing a predetermined time, however, this language is not present in the claims.

Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 7, 8, 11, 17 and 18 filed 4-1-2004 have been fully considered but they are not persuasive. Applicant argues that Foladare does not teach multi-value congestion degrees, rather teaching congestion degree having two values. Since two values describes more than a single value, it is a multi-value quantity.

Applicant's arguments regarding the 35 U.S.C. 103 rejection of claims 16 filed 4-1-2004 have been fully considered but they are not persuasive. Applicant argues that Foladare does not teach the claimed elements. As described above, each of the claimed elements is taught by Kawamoto in view of Wiczorek. Although the rejection was annotated with the examiners interpretation of the claimed structures as related to Kawamoto in view of Wiczorak, applicant has not described the error in this interpretation.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJC

  
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